

House File 635 - Introduced

HOUSE FILE _____
BY STRUYK

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act modifying the process for filling vacancies in the office
2 of United States senator.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2061YH 83
5 sc/rj/8

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1 1 Section 1. Section 39.10, Code 2009, is amended to read as
1 2 follow:

1 3 39.10 UNITED STATES SENATORS.

1 4 Senators in the Congress of the United States shall be
1 5 elected in the same manner in which state officers are
1 6 elected, except that a vacancy in the office of senator of the
1 7 Congress of the United States shall be filled as provided in
1 8 section 69.14.

1 9 Sec. 2. Section 43.6, subsection 1, Code 2009, is amended
1 10 to read as follows:

1 11 1. When a vacancy occurs in the office of ~~senator in the~~
1 12 ~~Congress of the United States~~, secretary of state, auditor of
1 13 state, treasurer of state, secretary of agriculture, or
1 14 attorney general and section 69.13 requires that the vacancy
1 15 be filled for the balance of the unexpired term at a general
1 16 election, candidates for the office shall be nominated in the
1 17 preceding primary election if the vacancy occurs eighty=nine
1 18 or more days before the date of that primary election. If the
1 19 vacancy occurs less than one hundred four days before the date
1 20 of that primary election, the state commissioner shall accept
1 21 nomination papers for that office only until ~~five o'clock~~ 5:00
1 22 p.m. on the seventy=fourth day before the primary election,
1 23 the provisions of section 43.11 notwithstanding. If the
1 24 vacancy occurs later than eighty=nine days before the date of
1 25 that primary election, but not less than eighty=nine days
1 26 before the date of the general election, the nominations shall
1 27 be made in the manner prescribed by this chapter for filling
1 28 vacancies in nominations for offices to be voted for at the
1 29 general election.

1 30 Sec. 3. Section 43.6, Code 2009, is amended by adding the
1 31 following new subsection:

1 32 NEW SUBSECTION. 3. When a vacancy occurs in the office of
1 33 senator in the Congress of the United States, the vacancy
1 34 shall be filled as provided in section 69.14.

1 35 Sec. 4. Section 43.77, subsection 4, Code 2009, is amended
2 1 to read as follows:

2 2 4. A vacancy has occurred in the office of ~~senator in the~~
2 3 ~~Congress of the United States~~, lieutenant governor, secretary
2 4 of state, auditor of state, treasurer of state, secretary of
2 5 agriculture, or attorney general, under the circumstances
2 6 described in section 69.13, less than eighty=nine days before
2 7 the primary election and not less than eighty=nine days before
2 8 the general election.

2 9 Sec. 5. Section 43.78, subsection 4, Code 2009, is amended
2 10 to read as follows:

2 11 4. Political party candidates for a vacant seat in the
2 12 United States senate, United States house of representatives,
2 13 the board of supervisors, the elected county offices, or the
2 14 general assembly which is to be filled at a special election
2 15 called pursuant to section 69.14 or 69.14A shall be nominated
2 16 in the manner provided by subsection 1 of this section for
2 17 filling a vacancy on the general election ballot for the same
2 18 office. The name of a candidate so nominated shall be
2 19 submitted in writing to the appropriate commissioner, as
2 20 required by section 43.88, at the earliest practicable time.

2 21 Sec. 6. Section 43.83, Code 2009, is amended to read as
2 22 follows:
2 23 43.83 VACANCIES IN OFFICE OF U.S. SENATOR OR
2 24 REPRESENTATIVE.
2 25 A candidate to be voted on at a special election occasioned
2 26 by a vacancy in the office of United States senator or United
2 27 States representative, shall be nominated by a convention duly
2 28 called by the district central committee not less than
2 29 twenty-five days prior to the date set for the special
2 30 election.

2 31 Sec. 7. Section 69.8, subsection 1, Code 2009, is amended
2 32 by striking the subsection.

2 33 Sec. 8. Section 69.13, unnumbered paragraph 1, Code 2009,
2 34 is amended to read as follows:

2 35 If a vacancy occurs in the office of ~~senator in the~~
3 1 ~~Congress of the United States~~, secretary of state, auditor of
3 2 state, treasurer of state, secretary of agriculture, or
3 3 attorney general eighty-nine or more days before a general
3 4 election, and the unexpired term in which the vacancy exists
3 5 has more than seventy days to run after the date of that
3 6 general election, the vacancy shall be filled for the balance
3 7 of the unexpired term at that general election and the person
3 8 elected to fill the vacancy shall assume office as soon as a
3 9 certificate of election has been issued and the person has
3 10 qualified.

3 11 Sec. 9. Section 69.14, Code 2009, is amended to read as
3 12 follows:

3 13 69.14 SPECIAL ELECTION TO FILL VACANCIES.

3 14 1. A special election to fill a vacancy shall be held for
3 15 a senator or representative in Congress, or senator or
3 16 representative in the general assembly, when the body in which
3 17 such vacancy exists is in session, or will convene prior to
3 18 the next general election, and the governor shall order, not
3 19 later than five days from the date the vacancy exists, a
3 20 special election, giving not less than forty days' notice of
3 21 such election. In the event the special election is to fill a
3 22 vacancy in the general assembly while it is in session or
3 23 within forty-five days of the convening of any session, the
3 24 time limit provided in this section shall not apply and the
3 25 governor shall order such special election at the earliest
3 26 practical time, giving at least eighteen days' notice of the
3 27 special election. Any special election called under this
3 28 section must be held on a Tuesday and shall not be held on the
3 29 same day as a school election within the district.

3 30 2. A vacancy in the office of senator in the Congress of
3 31 the United States filled under this section shall be for the
3 32 balance of the unexpired term.

3 33 EXPLANATION

3 34 This bill provides that a vacancy in the office of United
3 35 States senator shall be filled at special election in the same
4 1 manner as a vacancy in the office of United States
4 2 representative. The bill also provides that a person elected
4 3 to fill a vacancy in the office of United States senator shall
4 4 serve for the balance of the unexpired term.

4 5 Under current law, a vacancy in the office of United States
4 6 senator is filled by appointment by the governor or at the
4 7 next general election, depending on when the vacancy occurs.

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